

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

XIUPING LU AND XIA LIN

Plaintiffs,

- against -

ANSWER

Docket # 10-5887

CHINESE BODY WORK AND BIN CHENG,
Defendants.

Defendant, Bin Cheng, by her attorneys Luibrand Law Firm, PLLC, answer the allegations set forth in the Complaint of Plaintiffs dated December 16, 2010, and respond as follows:

1. Defendant denies the allegations set forth at the paragraphs of the complaint designated by Plaintiff as paragraphs 4, 5, 6, 7, 8, 9, 10, 11, 12 and 13.
2. Defendant denies knowledge or information sufficient to form a belief as to the allegations designated in the complaint by Plaintiff as paragraphs 1, 2 and 3.
3. Defendant denies any allegation in the complaint not otherwise addressed.

**AS AND FOR A FIRST
AFFIRMATIVE DEFENSE**

4. The allegations within the Complaint fail to state a cause of action against Bin Cheng.

**AS AND FOR A SECOND
AFFIRMATIVE DEFENSE**

5. Bin Cheng never employed Plaintiffs and thus there is no basis for alleging violation of the Wage and Hour Act.

AS AND FOR A THIRD
AFFIRMATIVE DEFENSE

6. Plaintiffs' claims are untimely and outside the statute of limitations.

RELIEF

Defendant requests dismissal of the complaint together with an award of costs, disbursements and legal fees.

Dated: May 6, 2013

Yours, etc.,


LUIBRAND LAW FIRM, PLLC


Keyin A. Luibrand, Esq.
Bar Roll No.: 102083
Attorney for Defendants
Office and P.O. Address:
950 New Loudon Road, Suite 270
Latham, New York 12110
Telephone: (518)783-1100
Facsimile: (518)783-1901
E-mail: kluibrand@luibrandlaw.com

STATE OF NEW YORK :
:ss.:
COUNTY OF ALBANY :

The undersigned, an attorney admitted to practice in the courts of New York State, states that deponent is the attorney of record, or of counsel with the attorney(s) of record, for Defendant, Bin Cheng, in the within action; deponent has read the foregoing Answer and knows the contents thereof; the same is true to deponent's own knowledge, except as to the matters therein stated to be alleged on information and belief, and that as to those matters deponent believes it to be true. This verification is made by deponent and not by Defendant as Defendant reside outside the county where your deponent has his office for the practice of law.

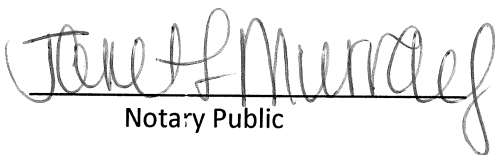
The grounds of deponent's belief as to all matters not stated upon deponent's knowledge are as follows: A review of the file and records in your deponent's office.

The undersigned affirms that the foregoing statements are true under the penalties of perjury.



Kevin A. Luibrand, Esq.

Sworn to before me this
6th day of May, 2013.



Notary Public

JANET L. MURRAY
Notary Public, State of New York
Qual. in Albany Co. No. 01MU6019574
Commission Expires July 20, 2014